

Notice of Allowability

Application No.

10/007,289

Examiner

Tina M Lin

Applicant(s)

GLOGOVSKY ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 January 2005 amendment.
2. ☒ The allowed claim(s) is/are 1-4, 6-10, 12-14, 16, 17, 19 and 20.
3. ☒ The drawings filed on 28 April 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


John D. Lee
Primary Examiner

Art Unit: 2874

Applicant's amendment filed on 05 January 2005 has been fully considered. Claims 1-4, 6-10, 12-14, 16-17 and 19-20 are therefore allowed with the additional limitations included.

Examiner's Statement Of Reasons For Allowance

The following is an examiner's statement of reasons for allowance: Claims 1-4, 6-10, 12-14, 16-17 and 19 are allowed for the reasons indicated in the previous Office action, mailed 05 August 2004. The prior art of record fails to disclose or reasonably suggest the passive waveguide to include a cladding on both sides of the active region. Objected to claims 5 and 18 have been rewritten as newly presented claims 1 and 12 to include all of the limitations of the base claims and any intervening claims. Claims 2-4, 6-10, 13-14, 16-17 and 19 all depend from newly presented claims 1 and 12 and are therefore also allowable.

Claim 20 is allowable for the reasons indicated in the previous Office action, mailed 05 August 2004. The prior art of record in this application fails to disclose or reasonably suggest a method of forming an opto-electric device by forming an etch stop layer with the materials InAlAs or GaInAlAs on the surface of a substrate, separately forming epitaxial layers over the substrate for each laser, modulator and amplifier, where the active layers include multi-quantum layers with InGaAsP, selectively etching the epitaxial layers, sequentially forming a first cladding layer comprising InP, a passive waveguide layer comprising InGaAsP and a second cladding layer comprising InP which butt couples the active regions and forming three spatially separate active components, a laser, modulator and an amplifier.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

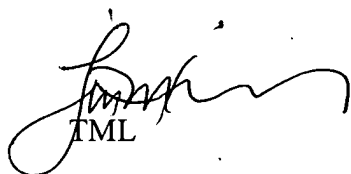
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

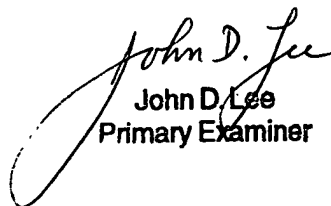
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TML



John D. Lee
John D. Lee
Primary Examiner